



# CITY COUNCIL RAIL COMMITTEE MINUTES

Special Meeting  
April 26, 2012

## ROLL CALL

Chair Klein called the meeting to order at 8:30 a.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Chair Klein, Council Member Burt, and Council Member Shepherd

Absent: Vice Mayor Scharff

## ORAL COMMUNICATIONS

None

## APPROVAL OF MINUTES

**MOTION:** Council Member Shepherd moved, seconded by Council Member Burt to approve the minutes of November 16, 28, and December 05, 2011.

**MOTION PASSED:** 3-0 Scharff absent

### 4. Discussion of the Bay Area Blended System Memorandum of Understanding

Richard Hackmann, Management Specialist reported issues concerning Caltrain not being identified as the lead agency, the lack of direct representation, questions about oversight, passing tracks, and grade separations remained unresolved. Staff was concerned that assurances had been given verbally but were not contained in the Memorandum of Understanding (MOU). He attended the Metropolitan Transportation Commission (MTC) meeting on March 28, 2012 and stated the City's support for this option and asked for removal of the four-track system from any environmental documents and for the Peninsula cities to provide direct input. The MOU was approved by the California High Speed Rail Authority (CHSRA) and the MTC, and was scheduled for approval by the Peninsula Corridor Joint Powers Board (JPB). When originally presented, the proposal was conveyed as though cities would have the opportunity to directly comment on the

# MINUTES

MOU, the MOU was fluid and subject to review and revision. He could recall only one amendment related to funding. Any substantive changes requested by the City and other agencies had not been incorporated. Staff requested direction on how to proceed.

Chair Klein recalled Caltrain had requested comments and set an accelerated timeframe for submission.

Mr. Hackmann noted Staff had submitted the comment letter.

Council Member Shepherd stated she had spoken with Seamus Murphy of Caltrain regarding the current MOU between Caltrain and CHSRA. That MOU was the document for the corridor and the MOU between Caltrain and MTC was only a funding strategy. The MOU between Caltrain and CHSRA was still operational and they were using that document for the Project Environmental Impact Report (EIR).

Mr. Hackmann noted the original MOU from 2008 had not been rescinded. The Council should base its assumptions on the MOU being discussed on the blended system. The City did not have any assurances that proposals contained in the prior MOU and not contained in the current MOU would occur.

Margaret Monroe, Management Specialist reported the JPB would hold a meeting on the MOU on May 3, 2012 and had discussed attaching a Resolution to the MOU. The Resolution would identify three issues: 1) Caltrain owned the right-of-way, 2) Caltrain should manage the project construction, and 3) Caltrain should re-circulate the EIR for electrification.

Council Member Shepherd stated the recirculation of the Caltrain EIR was in the MOU with MTC; therefore, it was covered. There were two operational MOUs, and the City Council Rail Committee (Committee) was focusing on one.

Council Member Burt inquired whether Caltrain had not formally rescinded the Peninsula Rail Program MOU.

Mr. Hackmann answered yes.

Council Member Shepherd indicated Caltrain had acknowledged continued use of that MOU.

Chair Klein stated the focus was the MOU between MTC and Caltrain.

# MINUTES

Council Member Burt stated Caltrain had two MOUs that could, in some ways, contradict one another. That was a material concern that affected the City's response to the MTC MOU.

Chair Klein said Caltrain could have problems with the two MOUs and the City could point that out in a letter. Caltrain's agenda for the next meeting included final action on the MTC MOU. The Committee should focus on that in the short term. He did not believe the agenda would include a rescission or amendment to the CHSRA MOU, so Caltrain could not consider it. One of the City's main points was Caltrain should be in charge of the whole program and that was not in the MOU with MTC. Placing that point in the resolution was meaningless.

**MOTION:** Chair Klein moved, seconded by Council Member Burt that the City Council Rail Committee direct Staff to write a letter and arrange for a City representative to testify at the meeting on May 3, 2012.

Council Member Shepherd asked if the City wanted the three items to be contained in the MTC MOU.

Chair Klein wanted to reaffirm the earlier letter.

Council Member Shepherd proposed some of the points in the earlier letter would be better addressed to the MOU with CHSRA because it discussed the mechanics of construction. The MOU contained the one item. She asked if the City wanted the remaining two items included in the MOU or those items and more.

Chair Klein indicated the issue before the JPB on May 3<sup>rd</sup> was approval of the MOU with MTC and other agencies. He believed the main focus should be the entity in charge and representation made to the cities because the City representative would have only two minutes to speak. The conflict between the MOUs would have to wait for another day.

Council Member Burt suggested the City have more than one speaker in order to facilitate more than two minutes. The representative should also raise the question of whether the JPB was considering substantive modifications to the MTC MOU at that time as opposed to an ancillary resolution. The representative should state that Caltrain had indicated there would be modifications and the City was concerned that Caltrain representations about the process had not been followed.

Chair Klein agreed, and felt the letter should firmly but politely state the City had been misled.

# MINUTES

Council Member Burt suggested the letter include language that Caltrain had acknowledged rebuilding the trust of Peninsula communities was vital to future success and either the implication or statement that not following the representations was undermining trust.

Chair Klein stated the discussion had not only expanded the Motion, but also provided suggestions for the letter.

Council Member Shepherd indicated Caltrain did consider California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA), and would undertake this evaluation process. She asked if the City wanted to reinforce the fact that it did not want an overarching exemption for High Speed Rail (HSR) on the Peninsula.

Council Member Burt believed that was already in the letter to MTC.

Council Member Shepherd stated it was in the MOU. She wanted to explain the City's position was it would never become exempt.

Chair Klein stated Mr. Murphy's comments regarding the JPB's streamlining had been reported in the media.

Steve Emslie, Deputy City Manager noted the City had sent a letter to Caltrain asking it to clarify streamlining but that could be included again.

Mr. Hackmann suggested including comments regarding a full CEQA review.

Council Member Shepherd noted that was required. She asked for a review of the paragraph concerning CEQA and NEPA to ensure it was in the MOU.

Council Member Burt said the letter was sent asking for clarification and it was one thing for Palo Alto to state they wanted a full CEQA review, but the letter should include a reference that a written request had been made for clarification on their position. The letter would provide understanding for the JPB of the City's position.

Chair Klein asked if Staff had contacted Joanne Benjamin of Supervisor Kniss' staff.

Mr. Hackmann mentioned he had not discussed the MOU with Ms. Benjamin.

Chair Klein felt Staff should talk with Ms. Benjamin since she was the Policy Analyst for Ms. Kniss' office.

# MINUTES

Ms. Monroe asked if Staff should discuss only the CEQA issue or all issues.

Chair Klein replied all issues.

Council Member Burt suggested the letters should be sent to JPB staff and Board members and the other Peninsula Cities Consortium (PCC) cities.

Mr. Hackmann reported the previous MOU letters had been sent to the PCC, MTC, CHSRA, and one had been sent to Peninsula city mayors. He suggested sending this letter to those entities as well as State Representatives.

Council Member Burt asked if Staff was to send this letter to that group.

Chair Klein replied yes.

Council Member Shepherd reiterated that Mr. Murphy's comments suggested this MOU was a funding mechanism. She asked whether Staff considered it a funding mechanism.

Mr. Emslie felt it was not simply a funding mechanism because it covered policy areas.

Mr. Hackmann viewed it as the guiding document for the blended system.

Council Member Burt stated it could possibly be a guiding document, but there was no language assuring that. This concern was addressed in the letter.

Chair Klein felt the entities that funded projects preferred to have control.

Council Member Shepherd agreed. She felt it would be part of the guiding documents for producing the project.

**MOTION PASSED:** 3-0 Scharff absent

Chair Klein indicated the Committee needed to consider a spokesperson for the upcoming meeting.

Mr. Hackmann stated he was available.

Council Member Shepherd could be present if a Council Member was needed but only for a brief period at the beginning of the meeting.

# MINUTES

Chair Klein stated that did not need to be decided at the moment. He asked Staff to provide the Committee with time and place details for the meeting.

Morris Brown reported HSR Board meetings were scheduled for May 2<sup>nd</sup> and 3<sup>rd</sup> and noted the scheduled agenda was interesting.

## 5. Discussion of the CHSRA Revised 2012 Business Plan

Richard Hackmann, Management Specialist reported the California High Speed Rail Authority (CHSRA) Board approved the revised 2012 Business Plan on April 12, 2012. The main change was the switch from the four-track to the blended system and the corresponding cost reduction. Staff attended the meeting and reiterated the City's statement that the four-track system needed to be removed from all environmental documents. In addition, the City felt the CHSRA had not done its part in fully considering the Altamont Pass route versus the Pacheco Pass route.

Chair Klein indicated the Business Plan was approved but not the City's comments.

Mr. Hackmann agreed.

Margaret Monroe, Management Specialist noted the Business Plan defined the blended system as the project for the Peninsula.

Council Member Burt mentioned he had not reviewed the language for that change.

Ms. Monroe could provide the specific wording for his review.

Council Member Burt asked if the prior language regarding the four-track system being the ultimate goal was explicitly removed.

Ms. Monroe replied no.

Council Member Burt inquired whether internal contradictions remained.

Ms. Monroe answered yes.

Chair Klein indicated the Environmental Impact Report (EIR) revisions contained language regarding the ultimate goal being the four-track system.

Mr. Hackmann indicated that was still a concern.

# MINUTES

Council Member Burt stated the most crucial comment was the internal inconsistency of embracing the blended system while retaining language for a four-track system.

Mr. Hackmann agreed.

Council Member Burt indicated the second point was the inconsistency between the Program EIR and the Business Plan. The public, cities, and Legislators believed this had been resolved around the blended system.

Mr. Hackmann noted the Business Plan was founded on ridership numbers, which the City did not support. The ridership study was not revised after changing to the blended system.

Chair Klein wondered where the discussion of the status of funding in the Legislature was on the Agenda.

Mr. Hackmann reported the Professional Evaluation Group would provide an update on everything occurring in Sacramento.

Chair Klein wanted to discuss persuading Legislators to vote no.

Mr. Hackmann indicated Chris Ochoa would be part of the telephone conference with the Professional Evaluation Group.

Council Member Burt asked what action should be taken on Item No. 5.

Chair Klein asked for suggestions.

Council Member Burt suggested a follow-up letter focusing on key objections for the next CHSRA Board meeting. He asked if the City had sent a prior letter on the Business Plan.

Mr. Hackmann responded yes.

**MOTION:** Council Member Burt moved, seconded by Chair Klein that the City Council Rail Committee direct Staff to update the letter to the California High Speed Rail Authority assuring the blended system.

Council Member Burt felt the letter should focus on CHSRA's refusal to change the Business Plan to be consistent with the claim that the blended system was the adopted approach. He suggested referencing the page and paragraph to facilitate review of the contradiction.

# MINUTES

Council Member Shepherd felt it would be useful to include actions the City wanted the Board to take.

Council Member Burt felt the action requested of the Board was to change the Business Plan and of the Legislators was to require those changes. Prior letters had indicated the problems and recommended actions.

Ms. Monroe confirmed the recommended action was to effectively amend the Business Plan.

Chair Klein added and the EIR. He inquired who the letter would be sent to and noted the prior letters were not copied to the media.

Mr. Hackmann acknowledged Staff did not directly copy the media.

Chair Klein asked why.

Mr. Emslie indicated Staff would copy the media.

Chair Klein asked which media would be copied.

Mr. Hackmann stated the three local newspapers; Daily Post, Daily News, and the Weekly.

Ms. Monroe suggested the Sacramento Bee.

Chair Klein added the San Francisco Chronicle.

Council Member Burt asked if Staff included the San Jose Mercury News.

Mr. Hackmann answered no.

Council Member Burt noted the San Jose Mercury News, Los Angeles Times, and Sacramento Bee were covering the issue extensively, and felt those were the most important outside media agencies. He suggested copying the letter to Mike Rosenberg and the editor.

Ms. Monroe asked if both letters should be sent to the newspapers.

Chair Klein indicated all letters going forward should be copied to the media. They were all public documents and the Council wanted to provide the information to the media.



# MINUTES

**MOTION PASSED:** 3-0 Scharff absent

Council Member Burt noted the Jayme Ackemann was present, and recapped concerns about the process for reviewing the Metropolitan Transportation Commission (MTC) Memorandum of Understanding (MOU). The City had sent a letter requesting clarification on Caltrain's advocacy of the California Environmental Quality Act (CEQA) streamlining and had not received a response.

Mr. Emslie indicated the letter was sent only a few days previously.

Jayme Ackemann, Caltrain Government Affairs Officer would follow up with Mr. Murphy on the letter. She heard a comment rather than a question about the MTC MOU review process.

Council Member Burt stated Mr. Murphy's and others' assertions about the review process appeared to be untrue and asked if that was the case.

Ms. Ackemann indicated the CHSRA Board and executive team had held thoughtful and ongoing discussions regarding the MOU. The review process seemed to be a matter of perception.

Chair Klein reported the Council felt the Peninsula Corridor Joint Powers Board (JPB) should be the lead agency on the project and the Council had not received confirmation on that. Staff had advised the Council that the JPB's position appeared to be approval of the MOU with a Resolution attached. The Council felt the Resolution was meaningless.

Ms. Ackemann stated the JPB's position was that it was always the lead agency on any project within the confines of its property and corridor. Therefore, this would not be a change to the existing process in terms of project ownership. There had not been a question within the JPB as to who would be the project lead and project owner.

Chair Klein stated MTC should not object to an additional sentence in the MOU stating that fact. He asked why the MOU was not amended.

Ms. Ackemann knew insertions of additional language were being discussed and felt that would be discussed at the JPB meeting. Concerns from the City and the Peninsula Cities Consortium (PCC) would be discussed at the JPB meeting in addition to concerns from other cities. She could not discuss the language revisions to the MOU because that was at the JPB's discretion.

Council Member Burt noted the dilemma of the existing MOU between

# MINUTES

Caltrain and CHSRA and conflicting aspects between that MOU and the MTC MOU. He asked what Caltrain's plan to address those conflicts was.

Ms. Ackemann reported the perception was that the original MOU was no longer valid because the Peninsula Rail Program around which it was centered had been vacated. Caltrain had entered into a new understanding as it had studied the blended system. The MOU with MTC would take precedence.

Council Member Burt felt that was logical if the JPB rescinded the prior MOU. That had been recommended but he did not find it on an agenda and had not heard a discussion on that topic.

Council Member Shepherd indicated Mr. Murphy had stated the original MOU remained operational and effective and had not been rescinded.

Ms. Ackemann stated it had not been rescinded but was dormant. Aspects of the relationship outlined in the original MOU continued to be true because the purpose of the MOU was to fund JPB's study of elements related to High Speed Rail (HSR) in the corridor. The JPB continued to do that; however, the focus of the study had shifted from the Peninsula Rail Program to the blended system. She believed that was the discrepancy in the language. She did not know if the original MOU would be vacated but could inquire.

Council Member Burt stated the HSR Business Plan, while embracing the blended system, still spoke to a four-track system throughout the State as did the Program EIR.

Council Member Shepherd asked for an explanation of San Mateo's request for grade separation and how funding might be incorporated into the MOU.

Ms. Ackemann believed San Mateo wanted the tracks elevated. There had been a discussion of having a plaza area in the neighborhood of the tracks if the tracks were elevated. She was not sure what the funding mechanism would be, but felt San Mateo was seeking assurance that grade separation funds would be given outstanding consideration as part of the early investment process.

## **NO ACTION TAKEN**

6. Discussion of the 2012 Bay Area to Central Valley Partially Revised Final Program EIR

Margaret Monroe, Management Specialist reported the document was the

# MINUTES

most recent volume as well as anything that had preceded it. An important aspect was clarification of the approval process, which resulted from the Atherton 1 and 2 law suits. The earlier document was rescinded and the new document was adopted. Staff was attempting to determine if the Pacheco Pass access decision was re-approved. She recalled that a Program Environmental Impact Report (EIR) provided hooks for the Project EIR. Responses to comments did not change the text, but identified topics the Project EIR should do. Those responded in many ways to some of the Council's concerns. Items with round bullets needed follow-up in the Project EIR to ensure compliance with cities' requests. She felt the electrification EIR would replace much of High Speed Rail's (HSR) Project EIR on the Peninsula. It was equally important that these items be addressed in the scoping of the electrification EIR because that could be incorporated by reference into the future Project EIR for HSR. The Program EIR and the Project EIR were not two separate things, but were related in the application.

Council Member Burt noted the response to the impact of losing two lanes on Alma was that it would not be too small to have a Traffic Intrusion on Residential Environments (TIRE) analysis. That seemed highly unlikely.

Ms. Monroe indicated the response to comments review discussed the use of local standards and Santa Clara Valley Transportation Authority (VTA) standards. They were providing a hook in the response to comments to require the use of local standards.

Chair Klein asked if she meant a hook to the Project EIR.

Ms. Monroe responded yes.

Council Member Burt inquired whether the City had the ability to challenge the validity of the Program EIR on the basis of something that was clearly inaccurate and a substantial impact.

Ms. Monroe indicated a challenge to the Program EIR would require a detailed review of the document to find inconsistencies.

Council Member Burt felt that was the most substantial and egregious misstatement and the most easily disproved. He asked if the Council should direct Staff to perform a preliminary analysis in order to provide substance.

Mr. Emslie indicated that was a legal strategy.

Council Member Burt agreed, but stated some of those issues could be

# MINUTES

discussed in the current setting. He asked whether the statement regarding a TIRE analysis was false.

Ms. Monroe indicated the impact was measured at the level of a Program EIR.

Council Member Burt inquired how a Program EIR changed the fact that it was or was not too small to measure.

Ms. Monroe explained the Program EIR was defined at the Project level. The project had not been defined specifically so the impacts were not specifically identified. The impact at a design-specific level could justify the TIRE analysis.

Council Member Burt asked if the impact at the program level provided a circumstance in which it would be too small to measure using a TIRE analysis.

Ms. Monroe would need to refer that question to Mr. Jaime Rodriguez.

Mr. Emslie believed the project was not defined enough to measure the impact.

Council Member Burt felt many of the issues would be dependent on the design. He asked whether, in the range of design alternatives, if all of them would have this impact.

Mr. Emslie would ask Mr. Rodriguez to perform an analysis.

Council Member Burt suggested it would properly fall under Program EIR considerations if, under the full range of design alternatives, it was an inaccurate statement.

Mr. Emslie would request an analysis.

Chair Klein understood the program level did not consider the effect of closing one block of a street as opposed to closing a major thoroughfare.

Ms. Monroe suggested the decision was based on lane closures narrowing adjacent streets.

Chair Klein felt there was no justification for rerouting traffic to El Camino Real.

# MINUTES

Ms. Monroe stated the effect of rerouting traffic could be dramatic.

Council Member Burt noted the Monterey Highway impact was the basis for rescinding the prior EIR and asked for a comparison of Alma traffic to Monterey Highway. He felt it could be comparable.

Chair Klein inquired about litigation and a timeframe for approval of the EIR.

Mr. Emslie reported the City was pursuing the appeal.

Chair Klein asked about possible litigation regarding certification of the EIR.

Mr. Hackmann indicated the EIR was certified on April 19, 2012.

Mr. Emslie stated the City had 30 days from the date the notice of determination was filed to file a lawsuit.

Chair Klein confirmed the City had until May 19 or 20, 2012 to file a lawsuit.

Mr. Emslie stated a conversation with the City Attorney should be held in Closed Session.

Council Member Shepherd asked for Staff's opinion related to securing the City's interests in the Project EIR regarding vertical alignment.

Ms. Monroe explained the project had been defined in the Business Plan and the Program EIR as the blended system. The alternative of a grade separation in the four-track system had not been abandoned; however, the funding and the focus was on the blended system. The language provided the opportunity to place tracks in a trench. She was concerned about who would pay for that. The argument was that vertical separation remained in order to place tracks down or up as needed.

Council Member Shepherd asked if those decisions would be made at the project level.

Ms. Monroe stated there was not a project. They stopped the EIR and would perform a new EIR on a project that had not been developed.

Council Member Shepherd asked if the Council's position was secure in relation to vertical alignment.

Ms. Monroe indicated the Council had hooks to argue its point of view, but it would need to be diligent.

# MINUTES

Council Member Shepherd inquired if a discussion of the financing should occur at the program level.

Ms. Monroe stated the topic would come up in the Project EIR.

Council Member Shepherd inquired if the Council should have the discussion at that time.

Ms. Monroe did not believe the Council had a choice.

Council Member Shepherd was surprised to learn that parking was not covered by the California Environmental Quality Act (CEQA).

Ms. Monroe stated the replacement for parking was covered by CEQA.

Herb Borock stated potential litigation included the appellants in Atherton 1 and 2 filing a lawsuit on a return of the writ. He related his experience of sending a comment letter by e-mail to the California High Speed Rail Authority (CHSRA) and specifying distribution to Board members. CEQA guidelines indicated letters should be sent by certified mail, return receipt requested. He suggested the Council use certified mail with return receipt to indicate proof of mailing. He understood the Council had received comments that provided a method for approaching the future Project EIR rather than possibilities for litigation. He assumed the CHSRA chose the Pacheco Pass route, which was on its agenda. The CHSRA modified its agenda to include project approval as well as EIR certification.

## **NO ACTION TAKEN**

### 8. Report from the Professional Evaluation Group, Inc.

Chris Ochoa, Professional Evaluation Group Consultant reported the Senate Transportation Committee hearing on Tuesday afternoon resulted in SB 985 not being reported out of committee because there were not enough votes supporting it. Wednesday morning, he testified on behalf of Palo Alto at the Assembly Budget Subcommittee hearing regarding High Speed Rail (HSR). The California High Speed Rail Authority (CHSRA) testified in support of releasing bond funds to continue work. The California Department of Finance supported the CHSRA revised Business Plan; the Legislative Analyst Office (LAO) did not support releasing the amount of funds requested. The CHSRA, Department of Finance, and LAO testified before the Senate Budget Subcommittee Wednesday afternoon. Neither Subcommittee took any action. He attended the CHSRA hearing which focused on the Staff Report of

# MINUTES

the 2012 Bay Area and Central Valley Partially Revised Final Program Environmental Impact Report (EIR). The EIR consultants recommended Pacheco Pass as the priority route, while the Sierra Club recommended Altamont Pass. The CHSRA voted unanimously to accept the partially revised Program EIR to include Pacheco Pass as the leading route. He, Staff, and the City's Federal lobbyist discussed issues in Washington, D.C. Many of the bills in which the City was interested were sitting in the Appropriations Committee or were waiting to be heard.

Chair Klein inquired when a key vote would be held. He had heard funding could be included in the General Budget.

Mr. Ochoa indicated the Chairs of the Budget Subcommittees stated there would be follow-up budget hearings before a final decision was made. He met with the Deputy Secretary and General Counsel for the Business, Transportation, and Housing Agency and learned the Governor was attempting to create one State agency for all transportation issues. The Acting Secretary for the new agency was charged with continuing the transition actively with the hope that the State would have one transportation agency effective July 2013. Rolling HSR into this transportation authority would give HSR more staff to work on all issues. There would be more Budget Subcommittee hearings and he would follow those closely and continue to testify. Democrats were following the Governor's lead on HSR because they wanted the labor unions' support in the upcoming election. The LAO, the State Auditor, and the Peer Review Committee for HSR supported the City's point of view.

Council Member Shepherd inquired if the LAO and State Auditor had any power.

Mr. Ochoa stated they did not have the power to force the Governor to act, but did lend credibility to the City's cause. Their opposition made it difficult for Legislators to vote for the HSR proposal when more budget reductions had to be made.

Council Member Shepherd wanted to use the LAO's support more effectively.

Mr. Ochoa suggested the City continue its arguments. The LAO and the State Auditor were objective and non-partisan.

Council Member Burt inquired if the Senate Committee would have more difficulty in putting on pressure if the LAO were absent.

Mr. Ochoa said yes because the LAO provided the Committee a safety net.

# MINUTES

Council Member Burt understood Senator Simitian had requested opinions from the Legislative Counsel.

Mr. Ochoa reported Senator Simitian stated they had nothing further to discuss until the Attorney General issued an Opinion on whether proposed actions violated Proposition 1A. The Attorney General was not required to give an Opinion when requested.

Council Member Burt asked if there was a more recent request for a Legislative Counsel opinion.

Mr. Ochoa would follow-up on that question. He asked if the request for a Legislative Counsel opinion was the same as the request to the Attorney General.

Chair Klein stated it was the same subject matter.

Mr. Ochoa would need to find out if that request came from Senator Simitian's office or someone else.

Council Member Burt believed one question concerned the plan as a whole being consistent with Proposition 1A and two questions concerning the blended system being consistent with Proposition 1A. He was not sure which questions were part of the request to the Legislative Counsel. He asked if Mr. Ochoa knew when an update from the State Auditor might be issued.

Mr. Ochoa answered no, but he would follow-up on both requests.

Morris Brown reported Senator Simitian announced he and Senator DeSaulnier had sent a formal letter to the Legislative Counsel asking for a ruling. In response to his request for information, Senator Simitian's office indicated their request to the Legislative Counsel was for the legality of the revised Business Plan. Informational materials could not be submitted directly to the Legislative Counsel but had to be submitted through Senator Simitian's office. The LAO gave a report on Cap and Trade and demolished its usefulness in this project.

Mr. Ochoa agreed any information had to be submitted through a Legislator's office.

Chair Klein felt the Rail Committee (Committee) would need a second meeting in May 2012 to discuss litigation. He noted the regular meeting was scheduled for May 24, 2012 and suggested May 10, 2012 as the special



# MINUTES

meeting.

Mr. Emslie indicated Staff was available May 10, 2012.

Council Member Shepherd was also available.

Council Member Burt was unavailable May 24, 2012 but was available on May 10<sup>th</sup>.

## 7. Update on the Final Caltrain/CHSRA Blended Operations Analysis

Margaret Monroe, Management Specialist reported Caltrain performed two studies in the process of preparing the re-circulated environmental document on the electrified system. The first study created a model to determine whether those services could be incorporated on the rail. That study was to lead into a second study to evaluate the effect on 41 grade separations from San Jose to San Francisco. A report of the second study was expected in the fall of 2012 and would be important for review and analysis. The Blended Operations Analysis concluded the model presented a proof of concept that the blended system worked. That conclusion was reflected in the Business Plan and the Program Environmental Impact Report (EIR).

Jayme Ackemann, Caltrain Government Affairs Officer noted the report would be released in September or October 2012.

Steve Emslie, Deputy City Manager indicated Caltrain requested each city provide local traffic data. Staff felt Caltrain would start at the baseline.

Ms. Monroe stated Caltrain was collecting data the City had requested.

Herb Borock stated the final report did not contain information relating to passing tracks. High Speed Rail (HSR) did not meet the 30-minute San Francisco to San Jose requirement specified in AB 3034. The Caltrain electrification EIR and Project EIR had to be performed together otherwise there was no justification for any passing tracks in the Caltrain electrification EIR. A four-track system would probably be needed to meet the service requirements and the 30-minute timeline.

## 9. Palo Alto Rail Corridor Task Force (RCTF) Study Session Draft Rail Corridor Study Report Update

Chair Klein continued this Item to May 10, 2012.

# MINUTES

Steve Emslie, Deputy City Manager requested this Item be agendized first on May 10.

Chair Klein agreed.

Council Member Burt suggested the meeting be extended 15 minutes to cover this Item, because Staff was present.

Chair Klein extended the meeting by 15 minutes.

Barbara Maloney, BMS Design Group, reported this was a follow-up to the previous discussion on March 1, 2012. Since then, she had met with the Architectural Review Board (ARB) and the Planning and Transportation Commission (P&TC) and held a successful community meeting. Community priorities were consistent with the Rail Corridor Task Force's (RCTF) priorities. Based on the Council's input the Draft Report clarified the discussion of the rail systems. She truncated the discussion about previous alternatives and focused the discussion on current alternatives. The Council's preference and principles were articulated more clearly in the Report to be consistent with current City policy. The Report remained flexible to accommodate future changes. The Plan from a circulation and land-use point of view was universal enough to guide the City in the future. She would return to the RCTF to review additional language regarding improvements on Alma Street. She would integrate additional correspondence and references to the Comprehensive Plan.

Council Member Burt inquired if the Report discussed the Intermodal Transit Center in relation to the study of that area.

Ms. Maloney indicated the Report highlighted the area between Alma Street and El Camino Real as being a high priority. There was a tremendous opportunity to link the University area with the Stanford Shopping Center area and to incorporate the Intermodal Transit Center.

Mr. Emslie could work with Ms. Maloney and Ms. Suzuki to ensure current ideas were incorporated.

Council Member Shepherd noticed the Report stated the rail must be underground.

Ms. Maloney indicated they received many comments advocating one position or another on rail. Comments in the last round of community meetings indicated the rail line should be in a trench and covered. She attempted to take a position reflecting the Council's policy while remaining

# MINUTES

flexible. An underground and trenched alternative would be preferable but a blended alternative was also being considered. They attempted to make all recommendations consistent with either alternative.

Council Member Shepherd wanted to hear the community's vision for the corridor as that was the purpose of community outreach. She was pleased with the continuous pedestrian-bicycle path along the rail. She asked where the idea of crossings at California Avenue that would include vehicles for the train came from.

Ms. Maloney stated a vehicular crossing across Alma Street from east to west was feasible; however, neighborhood residents felt that would create traffic impacts in the eastern neighborhoods. That was not a recommendation because the RCTF did not support it.

Council Member Shepherd asked if merchants support that idea.

Ms. Maloney answered no. They were concerned about traffic.

Council Member Shepherd inquired if sketches of funding items were attached to any options.

Ms. Maloney replied yes.

## **NO ACTION TAKEN**

### 10. Reports on Meetings - California High Speed Rail Authority (CHSRA) Board - Peninsula Cities Consortium (PCC)

Richard Hackmann, Management Specialist reported the California High Speed Rail Authority (CHSRA) would approve the final Merced to Fresno Environmental Impact Report (EIR) on May 3, 2012. This would authorize the initial construction segment and the expenditure of at least \$5 to \$6 billion. Staff asked for the Rail Committee's (Committee) direction. The CHSRA would be in Closed Session discussing litigation on May 2, 2012.

Margaret Monroe, Management Specialist asked if the topic of litigation was known.

Chair Klein stated it was the City's lawsuit.

Council Member Shepherd inquired if the Central Valley had a lawsuit.

Mr. Hackmann indicated the third lawsuit was Kings County.

# MINUTES

Chair Klein reported the timing of the City's appeals would make a discussion of their legal posture appropriate at this meeting. He did not think there were any developments in the Kings County litigation.

Mr. Hackmann was not aware of litigation topics.

Chair Klein said Mr. Brady kept the Council informed.

Herb Borock commented the CHSRA had won the past two cases. He believed the court date for the demurrer action was scheduled for early June 2012.

Council Member Shepherd asked whether the process for the initial construction phase would be a precedent for subsequent construction projects.

Ms. Monroe assumed the CHSRA should follow the California Environmental Quality Act (CEQA) process, which was defined by law.

Chair Klein asked when the Committee was scheduled to report to the Council.

Mr. Hackmann indicated May 2012.

Chair Klein hoped the Committee could report to the Council within three or four meetings.

Steve Emslie, Deputy City Manager would ensure it was placed on the calendar.

Mr. Hackmann reported Staff was holding conference calls with lobbyists on the second and fourth Wednesdays of the month. One proposed budget bill contained \$100 million for High Speed Rail (HSR). The Federal government did not appear to be a large funding source in the following fiscal year.

Ms. Monroe remarked \$100 million would pay for less than a mile of the Central Valley project.

## FUTURE MEETINGS AND AGENDAS

Mr. Emslie noted the next meeting was scheduled for May 10, 2012.

ADJOURNMENT: Adjourned 10:19 AM